

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 2:23-cv-14328-LEIBOWITZ/MAYNARD**

**BRIGHTHOUSE LIFE
INSURANCE COMPANY,**
Plaintiff,

v.

**FRANCOISE FENELON and
TANISE SHANELL FENELON**
Defendants.

FRANCOISE FENELON,
Cross Claimant,

v.

TANISE SHANELL FENELON,
Cross Defendant.

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

THIS MATTER was referred to United States Magistrate Judge Shaniek Mills Maynard for a report and recommendation (“R&R”) on Defendant Francoise Fenelon’s Request for Judicial Notice in Support of Motion for Summary Judgment [ECF No. 59] (the “Motion”). [See ECF No. 77]. Judge Maynard has since issued a PAPERLESS R&R, recommending the Motion be GRANTED. [ECF No. 79]. The parties have filed Notices of Non-Objection to the R&R [ECF Nos. 80 and 81]. Accordingly, upon due consideration of the R&R, the Motion, the parties’ papers, the applicable law, and the relevant portions of the record, the Court ADOPTS and AFFIRMS the Report and Recommendation [ECF No. 79].

LEGAL STANDARD

After conducting a review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party


files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019). To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Macort v. Prem. Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) (quoting *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)).

CONCLUSION

Upon review, the Court finds no error. Accordingly, it is hereby **ORDERED**:

1. The Magistrate Judge's Report and Recommendation [ECF No. 79] is ADOPTED and made a part of this Order for all purposes.
2. The Motion [ECF No. 59] is **GRANTED**.

DONE AND ORDERED in the Southern District of Florida on May 27, 2025.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record